

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**STEVEN SANDERS and
ARLINE GREGOIRE,**

Plaintiffs,

v.

No. 19-cv-0895 KWR/SMV

USAA CASUALTY INSURANCE COMPANY,

Defendant.

ORDER TO FILE RESPONSIVE PLEADING

THIS MATTER is before the Court sua sponte. It appears that Defendant has failed to file a pleading responsive to the Complaint, which must be filed no later than March 9, 2020. Plaintiffs filed their original complaint in state court on August 19, 2019. [Doc. 1-1] at 6–19. Plaintiffs served Defendant on August 25, 2019. [Doc. 1] at 1. Defendant removed the case to this court based on diversity jurisdiction on September 25, 2019. [Doc. 1]. Accordingly, it appears that a responsive pleading was due from Defendant no later than October 2, 2019. *See* Fed. R. Civ. P. 81(c)(2)(c). Defendant filed no responsive pleading, and Plaintiffs neither moved for default nor took any other action related to the lack of responsive pleading. Instead, on October 7, 2019, Plaintiffs moved to remand the case to state court. [Doc. 7]. Ultimately, on January 30, 2020, the presiding judge denied the motion. [Doc. 27]. The Court is not aware of any authority that would stay the deadline to file a responsive pleading based on Plaintiffs’ Motion to Remand. In any event, the Motion to Remand has been decided and, to the extent it ever did, no longer impedes the filing of a responsive pleading.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Defendant respond to the Complaint, [Doc. 1-1] at 6–19, or show cause why not, no later than **March 9, 2020**.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'S. Vidmar', is positioned above a horizontal line.

STEPHAN M. VIDMAR
United States Magistrate Judge